

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

PROPOSED AGENDA FOR REGULAR COUNCIL MEETING, COUNCIL CHAMBERS DECEMBER 28, 2004 9:00 A.M.

ROLL CALL

Invocation – Dr. Louis Pointer
Pledge of Allegiance

REGULAR AGENDA

1. Discussion and action on ways to make the Building Services Dept. more responsive to citizen's concerns. [Matthew F. Carroll]

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

2. **APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meetings of December 10, 2002, March 4, and April 15, 2003, and December 21, 2004.

3. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

4. **RESOLUTIONS:**

- 4A. That the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this condemnation lien:
[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

	<u>Lien Amount</u>	<u>Interest</u>	<u>Total Paid</u>
10205 Whitetail Drive Street (District 4)	\$7,012.55	\$584.38	\$7,596.93

- 4B.** That the section of the Citizen Participation Plan for the Consolidated Plan that relates to conflicts of interest regarding Community Development (CD) Steering Committee members, be revised to address potential conflict of interest issues that may arise due to expanded membership criteria recommended by the Mayor's Blue Ribbon Ad Hoc Committee on June 15, 2004, and adopted by City Council on July 13, 2004; specifically addressing the membership criteria that allows City recognized neighborhood association members to serve on the CD Steering Committee. **(All Districts)**
[Community and Human Development, Anthony Shaar, (915) 541-4897]
- 4C.** That the section of the Citizen Participation Plan for the Consolidated Plan that relates to conflicts of interest regarding Community Development (CD) Steering Committee members, be revised to address potential conflict of interest issues that may arise due to expanded membership criteria recommended by the Mayor's Blue Ribbon Ad Hoc Committee on June 15, 2004, and adopted by City Council on July 13, 2004.
[Community and Human Development, Robert Salinas, (915) 541-4643]
- 4D.** That the Mayor be authorized to sign a contract with the El Paso Hispanic Chamber of Commerce for \$90,000 for Fiscal Year 2004-2005, for Economic Development assistance in the City of El Paso. This resolution is subject to the appropriate budget and documentation being submitted to the Chief Financial Officer. **(All Districts)** Funding Source: Account 502215, Outside Contracts.
[Economic Development, David G. Dobson, (915) 541-4680]
- 4E.** That the City shall contribute \$2,500 to offset the costs of publication of the Annual Report, 2004-2005, of a Master Plan for the Future by the Texas Military Preparedness Commission, and that the City Manager be authorized to sign the documents necessary to effectuate such payment. Funding shall be from the budget for the Mayor's Office, from the General Fund.
[Mayor's Office, Adrian Ocegueda, (915) 541-4145]
- 4F.** That the Mayor, through the Chief of Police be authorized to submit an on-line grant application completed by the El Paso Police Department authorizing the Mayor to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant and authorize budget transfers, from the U.S. Department of Justice, Office on Violence Against Women, for a grant under the Arrest Policies and Enforcement of Protection Orders Grant Program in the amount of \$750,000 over two years to pay for personnel and related costs for the purpose of creating a centralized Domestic Violence Unit; and that the Mayor be authorized to sign a Memorandum of Understanding between the City of El Paso, the Center Against Family Violence, the District Attorney's Office for the purpose of implementing the grant program. Matching funds are not required.
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]
- 4G.** That the Mayor be authorized to sign a release of lien on the following property (legal -description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management lien for: [Solid Waste Management, Ellen A. Smyth, (915) 621-6719]

LienInterestTotal Paid

3300 Block of Lee Street (District 5)	\$559.65	\$115.74	\$675.39
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- 4H.** Placing a lien on the following properties (legal description on file with the City Clerk) and in the following amounts for work performed by the City pursuant to Chapter 9.04: [Solid Waste Management, Ellen A. Smyth, (915) 621-6719]

6400 Block of El Puente (District 1)	\$197.56	Edna Bibb & Jose Zamudio
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6486 Calle del Sol (District 1)	\$92.01	Sarah D. Homes, Inc.
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5700 Saplinas Road (District 1)	\$297.69	Joaquin A. Trujillo & 1
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5615 Green Castle (District 1)	\$287.95	Jesus & Leticia Sotelo
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3202 – 3206 Fort Boulevard (District 2)	\$86.60	Francisco C. & Maria E. Marin
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112 Ascarate Street (District 3)	\$514.19	Guadalupe Kane
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9225 Reno Court (District 6)	\$149.39	Edmundo Sanchez
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OEPEC Easement (District 5)	\$623.52	Bonded Developers Inc., & 1
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411-413 S. Florence Street (District 8)	\$124.49	Tomas B. Contreras
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- 5.** Notice to set a public hearing to be held on February 1st, 2005 to determine if the property located at 3025 E. San Antonio Avenue in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated October 1st, 2004. The owner of record as of September 29th, 2004, Martina Pulido Sosa, 3025 E. San Antonio Avenue, El Paso, Texas 79905, has been notified of the violations at this property. **(District 8)**
[Building Permits & Inspections, Tom Maguire, (915) 541-4588]

- 6. REINSTATEMENT:** Request for name to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:

Aceves, Raul – Toll Collector
[Street Department, Daryl W. Cole, (915) 621-6750]

7. Request for provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Deputy Court Clerk I (1)

Fund Source: 11010011-01101-11000

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

8. **STAFFING TABLE CHANGES:**

8A. AIRPORT

Delete	1.00	Secretary III	GS 19
Add	1.00	Legal Secretary	GS 21
Fund Source: 62620013-40101-62100			
[Airport, Patrick T. Abeln, (915) 780-4724]			

8B. PARKS & RECREATION

Delete	1.00	Clerk Typist II	GS 9
Fund Source: 51010216-01101-51010			
Delete	1.00	Clerk Typist II	GS 9
Fund Source: 51010214-01101-51000			
Add	1.00	Secretary I	GS 13
Fund Source: 51010216-01101-51010			
Add	1.00	Personnel and Account Clerk	GS 15
Fund Source: 51010214-01101-51000			
[Parks & Recreation, Norman Merrifield, (915) 541-4331]			

8C. POLICE

Delete	1.00	Secretary I	GS 13
Fund Source: 21010050-01101-21000			
Delete	1.00	Secretary I	GS 13
Fund Source: 21010062-01101-21000			
Add	1.00	Secretary II	GS 16
Fund Source: 21010050-01101-21000			
Add	1.00	Secretary II	GS 16
Fund Source: 21010062-01101-21000			
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]			

9. Appointment of Ernesto Rodriguez as Assistant City Attorney effective January 3, 2005.
[City Attorney's Office, Lisa A. Elizondo, (915) 541-4550]

10. BOARD APPOINTMENTS:

- 10A.** Roberto Rivera to the History Museum Board by Representative Presi Ortega, Jr., District 5. [Representative Presi Ortega, Jr., (915) 541-4189]
- 10B.** Roman Bustillos to the City Plan Commission by Representative Presi Ortega, Jr., District 5. [Representative Presi Ortega, Jr., (915) 541-4189]
- 10C.** Miguel Teran to the City Plan Commission by Mayor Pro Tempore Anthony W. Cobos, District 8. [Mayor Pro-Tem Anthony W. Cobos, (915) 541-4123]

11. CHANGE ORDER:

Contract No.: 2002-118R
 Vendor: Environmental System Research Institute, Inc.
 Redlands, CA

Approve 25% Change Order to Contract 2002-118R Traffic Management Information System for the Street Department.

Department: Municipal Services, Street Department
 Funds available: 31134001-29003-502115-PPW0088
 Funding source: Certificate of Obligations 97A, Management Consulting Services
District (s): All
 [Purchasing Department, Ray Heredia, (915) 541-4316]

- 12.** Request that the Director of Purchasing be authorized to issue a Purchase Order(s) to 3M Security Systems in the amount of \$51,525.00 for three (3) 3M Model 6210 self checkout units. 3M checkout units are the only units that can read and process the 3M Tattle-Tape Strips currently used by the El Paso Libraries. One of these units will be placed at the new Dorris Van Doren Library and the other two will replace old units at the Irvin Schwartz branch and at the Richard Burges branch libraries.

3M Security Systems is the sole developer and sole manufacturer of 3M Model 6210 checkout unit. 3M is the owner of the patents covering several of the systems technologies, including the ability to read, detect and process material protected by the 3M Tattle-Tape Security Strips.

Total award amount is \$51,525.00.
 Funding available through the following sources:

\$17,175.00 from 31130612-60049-508009 Project PPW0056001
 FY2001 Certificates of Obligation

\$34,350.00 from 04250201-27203-508008 Project PMB0002130
 FY2000 Quality of Life GO Bonds

Department: Library
District (s): 1, 4, and 6
 [Purchasing Department, Alfonso Guerrero, Jr., (915) 541-4654]

13. REQUEST FOR PROPOSAL:

This competitive sealed bid proposal is being awarded to the responsible offeror whose proposal is determined to be the most advantageous to the City, considering the relative importance of price and the other evaluation factors included in the request for proposal.

Solicitation No.: 2005-027R CCTV System for Police Facilities and the Judson Williams Convention Center

Award to: Advanced Security Contractors, Inc.
El Paso, Texas

Item (s): Part 1 – Item 1, Part 11 – All Items

Amount: \$343,100.75

Department: El Paso Police Department and the Judson Williams Convention Center

Funds available: 22150024-508007-07164-G220405

Funding source: Homeland Security Grant

Total award: \$343,100.75

District (s): All

The Evaluation Committee, based on evaluation factors established for this RFP, recommends award to Advanced Security Contractors, Inc.

Part I is a fixed-price, single (one-time) purchase and installation contract for CCTV Systems installed at various Police Department Facilities and the Judson Williams Convention Center. Part II is a contract for time and materials as needed for a term of thirty-six months. [Purchasing Department, Monica Vera, (915) 541-4234]

14. BIDS:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

14A. Solicitation No.: 2005-057 Washing of Heavy Duty Equipment

Award to: Vendor #1 Horizon Truck Wash
El Paso, TX

Item (s): Group 1

Vendor #2 A & E Truck & Car Wash
El Paso, TX

Item (s): Group 2

Total Amount: \$100,000.00 (estimated annually)

Department: Fleet Services

Funds available: 37370510-45202-503125

Funding source: Equipment Maintenance,
Equipment Outside Services NOC

Total award: \$300,000.00

District (s): All

Fleet Services and Purchasing Department recommends award as indicated. Horizon Truck Wash & A & E Truck & Car Wash were the lowest responsive bidders. This is a 36 month contract with the option to renew for one (1) additional year. [Purchasing Department, Ray Heredia, (915) 541-4316]

14B. Solicitation No.: 2005-060 Portable Buildings
Award to: Morgan Buildings & Spas
 El Paso, TX.
Item (s): All
Amount: \$60,350.00

Department: Solid Waste Management
Funds available: 508003-40415-34340200
Funding source: Solid Waste Management Capital Funds
Total award: \$60,350.00
District (s): All

The Solid Waste Management and Purchasing Departments recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

A lower bid was received but was deemed non-responsive as detailed in the backup.

This is a fixed-price, single (one-time) purchase, to purchase Portable Buildings for the Solid Waste Management Department. An option is offered to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one-hundred and eighty (180) days, from the contract award date. No prompt payment discount is offered.
[Purchasing Department, Alfonso Guerrero, Jr., (915) 541-4654]

15. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

15A. BT2005-325 COMMUNITY AND HUMAN DEVELOPMENT

This budget transfer will provide monies for the final payment to the architect for this 26th Year (2000-2001) Community Development design project.

Decrease	\$850.06	from	71150069/G7129CD000107747/508027	Construction
Increase	\$850.06	to	71150069/G7126CD002407620/508016	Arch & Eng
Decrease	\$850.06	from	71150069/G7129CD000107747/406000	FedGrtProc
Increase	\$850.06	to	71150069/G7126CD002407620/406000	FedGrtProc

15B. BT2005-338 AIRPORT

Transfer of funds to cover acquisition of a light tower to replace one that is worn out and has become too costly to repair.

Increase	\$7,500	to	62620020/P50000441022/508008	MajOfficeEq
Increase	\$7,500	to	62620020/P50000441022/407001	Intrfd Trf In
Increase	\$7,500	to	62620018/P50000241021/407002	Est Rev
Increase	\$7,500	to	62620018/P50000241021/507001	Intrfd Trf Out

REGULAR AGENDA**16. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

16A. An Ordinance changing the zoning of a portion of Block 55 and Block 56, all of Blocks 57, 58, 60, 65, 66, 67, and 68, and a portion of Third Avenue (vacated) and Fourth Avenue (vacated), Magoffin Addition; a portion of Block 109 and all of Blocks 110 and 142, Campbell Addition, El Paso, El Paso County, Texas from A-3 (Apartment) to SRR (Special Residential Revitalization). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: The Housing Authority of the City of El Paso, Texas. ZON04-00149 **(District 8)**
[Planning, Research and Development, Fred Lopez, (915) 541-4925]

16B. An ordinance creating the workforce retraining advisory committee, and providing for membership and terms, officers, rules and regulations, administration, and duties of the board.
[Representative Vivian Rojas, (915) 541-4108 and Representative Jose Alexandro Lozano, (915) 541-4515]

PUBLIC HEARING WILL BE HELD ON JANUARY 18, 2005 FOR ITEMS 16A - 16B

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

17. MAYOR AND COUNCIL:

Discussion and action on a Resolution that the Mayor be authorized to sign a Memorandum of Understanding between the City of El Paso and Housing Authority City of El Paso to create a housing rehabilitation pilot program which will rehabilitate distressed and abandoned homes in City neighborhoods and will place the rehabilitated properties back on the tax rolls. [Mayor's Office, Adrian Ocegueda, (915) 541-4145]
POSTPONED FROM 12/14/04

18. BUDGET TRANSFER: [Office of Management and Budget, David Almonte, (915) 541-4011]**BT2005-311 SOLID WASTE MANAGEMENT**

To establish appropriations for Solid Waste Management revenue bond projects.

Increase	\$1,490,890	to	34340200/40415/407020	Bond Proc
Increase	\$2,689,370	to	34340200/40415/508006	Vehicles
Decrease	\$1,198,480	from	34340200/40415/508029	HvyOfRdEqp
Increase	\$ 878,500	to	34340300/PSWM001340426/407020	Bond Proc
Increase	\$ 878,500	to	34340300/PSWM001340426/508003	Bldg Imprvmt
Increase	\$5,000,000	to	34340300/PSWM000340426/407020	Bond Proc
Increase	\$5,000,000	to	34340300/PSWM000340426/508027	Construction
Increase	\$ 600,000	to	34340300/PSWM000640426/407020	Bond Proc
Increase	\$ 600,000	to	34340300/PSWM000640426/508027	Construction
Increase	\$6,000,000	to	34340300/PSWM001240426/407020	Bond Proc

Increase	\$6,000,000	to	34340300/PSWM001240426/508027	Construction
Increase	\$3,000,000	to	34340300/PSWM001440426/407020	Bond Proc
Increase	\$3,000,000	to	34340300/PSWM001440426/508027	Construction

19. BUILDING PERMITS AND INSPECTIONS:

19A. Discussion and action regarding the appeal by Michael Hyneman of "Steakpedos and Spirits" at 910 E. Redd Road, Suite "A" for the sale of alcoholic beverages due to the business's proximity to a school in accordance with Section 20.08.090(B).4 of the El Paso Municipal Code. **(District 1)**

[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

19B. Discussion and action regarding the appeal by Michael Hyneman of "Steakpedos and Spirits" at 1815 Trawood, Suite "A" for the sale of alcoholic beverages due to the business's proximity to a day care in accordance with Section 20.08.090(B).4 of the El Paso Municipal Code. **(District 7)**

[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

20. ECONOMIC DEVELOPMENT:

20A. Discussion and action on a Resolution that the City of El Paso Interim Guidelines and Criteria for Property Redevelopment and Tax Abatement December 2004 be approved and are hereby immediately effective. **(All Districts)**

[Economic Development, David G. Dobson, (915) 541-4680] POSTPONED FROM 12/21/04

20B. Discussion and action on a Resolution that the Mayor be authorized to sign a Tax Abatement Agreement by and between the City of El Paso and El Paso Healthcare Systems, Ltd. which will provide for fifty percent (50%) abatement of the assessed value of the Eligible Real Property it proposes to construct within a designated reinvestment zone and a fifty (50%) percent abatement of the assessed value of the Eligible Personal Property to be installed within a designated reinvestment zone. The term of abatement under this Agreement shall be ten (10) calendar years beginning on January 1 of the year following completion of construction of the Improvements. **(District 1)**

[Economic Development, David G. Dobson, (915) 541-4680] POSTPONED FROM 12/21/04

20C. Discussion and action on a Resolution that the Mayor be authorized to sign a Tax Abatement Agreement by and between the City of El Paso and High Desert Investors, L.P., which will provide for twenty-five percent (25%) abatement of the assessed value of the Eligible Real Property it proposes to construct within a designated reinvestment zone and a twenty-five (25%) percent abatement of the assessed value of the Eligible Personal Property to be installed within a designated reinvestment zone. The term of abatement under this Agreement shall be five (5) calendar years beginning on January 1 of the year following completion of construction of the Improvements. **(District 1)**

[Economic Development, David G. Dobson, (915) 541-4680] POSTPONED FROM 12/21/04

21. PURCHASING:

- 21A.** Request rejection of RFP 2004-127R Building Space Rental – Eastside WIC Clinic as recommended by Purchasing and City-County Health District. Proposer, River Oaks Properties, LTD, withdrew his proposal.

This requirement will be reviewed for new sites and new specifications by the user department. [Purchasing Department, Ray Heredia, (915) 541-4316]

21B. BID:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

Solicitation No.: 2005-030 Billy The Kid Street & Drainage Improvements
 Contractor: C. F. Jordan, L. P.
 El Paso, Texas

Department: Streets
 Funds Available: 14200403-PBE04ST103-29117-508027
 Funding Source: 2004 Bond Issue
 Items: Base Bid I \$611,000.00
 Base Bid IA \$ 53,770.00
 Base Bid IB \$ 3,000.00
 Alternate # 1 \$ 14,500.00
 Alternate # 2 \$ 25,000.00

Total Award: \$707,270.00

District (s): 6

RECOMMENDATION:

The Departments of Engineering, and Streets recommend the award of this contract to C. F. Jordan, L. P., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term. [Purchasing Department, Barbara Crumley, (915) 541-4315]

22. PUBLIC HEARING – BUILDING PERMITS AND INSPECTIONS:

Public hearing to determine if the property located at 378 S. Santa Fe Street AKA 115 W. Paisano Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 26th, 2003. The owner of this property, Anid, Inc., 2120 Myrtle Avenue, El Paso, Texas 79901, has been notified of the violations at this property. Delinquent taxes in the amount of \$0. **(District 8)**

[Building Permits & Inspections, Tom Maguire, (915) 541-4588]

POSTPONED FROM 12/07/04, 09/28/04, 08/31/04, 07/07/04, 06/08/04, AND 04/27/04

23. PUBLIC HEARING – EL PASO WATER UTILITIES PUBLIC SERVICE BOARD:

An Ordinance authorizing the Mayor to sign a Special Warranty Deed conveying to Centro de Salud Familiar La Fe, Inc., a 41,000 square foot parcel of land being Lot 13, Block 30, Westway-Unit III, El Paso, El Paso County, Texas, also known as 1722 Southwood, El Paso, Texas, located in West El Paso.

(District 1/Far West El Paso)

[El Paso Water Utilities Public Service Board, Robert Andron, (915) 594-5506]

24. PUBLIC HEARING – FINANCIAL AND ADMINISTRATIVE SERVICES:

An Ordinance authorizing the Mayor to sign a new lease agreement between the City of El Paso and Whataburger of El Paso, Inc. N/K/A Whataco of El Paso, Ltd., for real property legally described as Block A, west of Piedras Street, Bassett Addition, El Paso, El Paso County, Texas. **(District 8)**

[Financial and Administrative Services, Gonzalo Cedillos, (915) 541-4074]

25. PUBLIC HEARING – PARKS & RECREATION:

An Ordinance to amend Title 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.200 (Rental Rates and User Fees Authorization) of the El Paso Municipal Code to revise the Caption of Section 13.24.200 and to establish or revise Rental Rates, User Fees, Program Fees, and Participation Fees. [Parks & Recreation, Norman Merrifield, (915) 541-4331]

26. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:

26A. An Ordinance changing the zoning of Parcel 1: A portion of Tract 1A, Section 31, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas from R-3 (Residential) to A-2 (Apartment); Parcel 2: A portion of Tract 1A, Section 31, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) and R-3 (Residential) to R-3A (Residential); Parcel 3: A portion of Tract 1A, Section 31, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas from R-3 (Residential) to C-1 (Commercial); and

Parcel 4: A portion of Tract 1A, Section 31, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-3A (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: EP Land Acquisition, L.L.C. ZON04-00087 **(District 4)**

THIS IS AN APPEAL CASE.

[Planning, Research and Development, Fred Lopez, (915) 541-4925]

26B. An Ordinance changing the zoning of Lots 43 and 44, Block 18, Brentwood Heights, El Paso, El Paso County, Texas from R-5 (Residential) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Daniel and Sonia Gonzalez. ZON04-00130

(District 3) [Planning, Research and Development, Fred Lopez, (915) 541-4925]

27. The City Council of the City of El Paso will retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.)

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

27A. DISCUSSION AND ACTION on ASARCO Particulate Reduction Contract Enforcement. (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]

27B. *Asarco v. TCEQ v. City of El Paso*, In the 261st District Court, Travis County, Texas; Cause No. GN401709. (551.071)
[City Attorney's Office, James A. Martinez, (915) 541-4550]

27C. ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR. (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]

27D. *Lois Cutler vs. City of El Paso*, Cause No. 2002-2783, in the 171st Judicial District. (551.071) [City Attorney's Office, Michele Little Locke, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET AT THE FOLLOWING ADDRESS: <http://www.elpasotexas.gov>